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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,694	11/10/1999	KENICHI NAGAWASA	B208-346 DIV	8328

26272 7590 09/10/2004

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/10/2004

35

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,694

Applicant(s)

NAGAWASA ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on May 14, 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 38 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto et al (4,468,710).

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Regarding claims 38 and 41-43, Hashimoto discloses a coding apparatus (Figs. 1 and 2) comprising:

input means (8,11) for selectively input the first digital information (digital video signal) of M bits and second digital information of L bits (digital audio signal), wherein $M \neq L$, first encoding means for generating first data of N bits and second encoding means for generating second data of N bits (column 5, lines 1-30, column 7, lines 41-68); and error correction means (14) for error-correcting the first data and second data by adding check code to the first data and second data; and recording means (15,17) for recording the data processed by error correction means (column 7, lines 20-29, Figs. 8,13).

4. Claims 38 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (4,513,327).

Regarding claims 38 and 41-43, Takahashi discloses a coding apparatus (Fig. 1) comprises :

Input means (14) for selectively input the first digital information (column 6, lines 1-25) of M bits and second digital information (column 7, lines 60-65) of L bits, wherein ($M \neq L$) because the first digital signal and the second digital signal are sampled by respective A/D converters at different frequencies; first encoding means for generating the first digital signal into first data of N bits and second encoding means for generating the second data of N bits (column 8, lines 5-20, column 8 lines 20-25); error correction means (Fig. 8) for error-correcting the first data and second data and by adding check

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code to the first data and second data (Fig.8); and means for recording the digital information on a recording medium 29 (column 9, lines 45-50).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al (4,468,710) in view of Coleman, Jr (4,468,708).

Regarding claim 39, Enari fails to teach that the encoder is a different pulse code modulation. However, it is noted that coding a signal with a different

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pulse code modulation is well known in the art as taught by Coleman .

Therefore, it would have been obvious to one of ordinary skill in the art to modify Enari by modify the encoder of Enari with a differential pulse code modulation as taught by Coleman as an alternative method of encoding the first digital data.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al in view of Coleman , Jr (4,468,708) .

Regarding claim 39, Takahashi further teaches that the encoder comprise a pulse code modulation (column 8, lines 10-12) but fails to teach that the encoder is a different pulse code modulation. However, it is noted that coding a signal with a different pulse code modulation is well known in the art as taught by Coleman . Therefore, it would have been obvious to one of ordinary skill in the art to modify Takahashi with Coleman by modify the encoder of Takahashi with a differential pulse code modulation as taught by Coleman as an alternative method of encoding the first digital data.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al in view of Masuda et al (3,865,973).

Regarding claim 40, Takahashi further teaches that the second digital information is a video signal but fails to specifically teach that the video signal is multiplexed with audio signal. However, it is noted that a video signal that is multiplexed with audio signal is well known in the art as taught by Masuda. Therefore it would have been obvious to of ordinary skill the art to provide the

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video signal, which is multiplexed with an audio signal thereby enhancing the capability of the apparatus of Takahashi for handling received audio data.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ,acting, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUY T NGUYEN
PRIMARY EXAMINER

H.N